THE SECRETARY OF STATE

WASHINGTON

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY J.L. DATE 9/30/82
RDS☐or XDS☐EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED☐ RELEASABLE☒
RELEASE DENIED☐
PA or FOI EXEMPTIONS

Dear Mr. Speaker:

I am providing the following information pursuant to section 3(c) (2) of the Arms Export Control Act.

The Department of State has learned that on June 7, 1981, the Government of Israel carried out an air attack against a nuclear reactor under construction in Iraq. Israeli Air Force units taking part in this attack were reportedly equipped with defense articles that had been furnished to Israel by the United States under the Foreign Military Sales program, including F-15 and F-16 aircraft.

Sales to Israel under the Foreign Military Sales program are governed by a Mutual Defense Assistance Agreement of July 23, 1952 (TIAS 2675), which provides in pertinent part:

> "The Government of Israel assures the United States Government that such equipment, materials, or services as may be acquired from the United States...are required for and will be used solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part, or in United Nations collective security arrangements and measures, and that it will not undertake any act of aggression against any other state."

The Honorable
Thomas P. O/Neill, Speaker
House of Representatives
Washington, D.C. 20515.

In these circumstances, I must report on behalf of the President that a substantial violation of the 1952 Agreement may have occurred. We are conducting a review of this entire matter and will consider the contention of Israel that this action was necessary for its defense because the reactor was intended to produce atomic bombs and would become operational very soon and that, once it became operational, an attack would have been impossible because it could not be carried out without exposing the inhabitants of Baghdad to massive radioactive lethal fallout.

While our discussions with Israel continue, and while your Committee is considering this matter the President has directed the suspension for the time being of the immediate shipment of four F-16 aircraft which had been scheduled for this week.

In responding to this incident we will make clear the seriousness with which we view the obligations of foreign countries to observe scrupulously the terms and conditions under which the United States furnishes defense articles and defense services. We will, of course, inform the Congress of the outcome of our discussions with the Government of Israel and our deliberations on the response warranted.

Sincerely,

Alexander M. Haig, Jr.

DECLASSIFIED